

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

CHET GILLIAM,

Plaintiff,

v.

JO ANNE B. BARNHART, Commissioner of  
Social Security,

Defendant.

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CV 04-6219-JE

ORDER

HAGGERTY, Chief Judge:

On October 14, 2005, Magistrate Judge Jelderks issued a Findings and Recommendation in this action [17] in which the Magistrate Judge recommended that the defendant Commissioner's final decision should be affirmed and the case should be dismissed. No objections were filed.

The matter is now before the court pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). A district court "may accept, reject, or modify, in whole or in part, the findings or

recommendations" made by a Magistrate Judge. 28 U.S.C. § 636(b)(1). Within ten days of being served with a copy of the Findings and Recommendation, any party may file written objections and the court shall make a *de novo* determination of those portions of the Findings and Recommendation to which objections are made. *Id.* When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation of the Magistrate Judge. *Thomas v. Arn*, 474 U.S. 140, 149-150 (1985); *Campbell v. United States District Court*, 501 F.2d 196 (9th Cir. 1974). No clear error appears on the face of the record, and the court adopts Magistrate Judge Jelderks' Findings and Recommendation.

### **CONCLUSION**

The Magistrate's Findings and Recommendation [17] is adopted in its entirety. The Commissioner's decision denying plaintiff's application for benefits under Title II of the Social Security Act is affirmed and this action is dismissed.

IT IS SO ORDERED.

Dated this 11 day of January, 2006.

/s/Ancer L.Haggerty

ANCER L. HAGGERTY  
United States District Judge